REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated January 10, 2008. At the time of the Final Office Action, Claims 1-15 were pending in the Application, of which, Claims 1-15 were rejected. Claims 1, 5, 9, and 13-15 have been amended. No new matter is added by these amendments. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

Claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Keller (*"Keller"*) (U.S. Patent No. 7,240,325). Applicants respectfully submit that Claims 1-15 are allowable for at least the reasons provided below.

Independent Claim 1 of the present Application, as amended, recites:

> A method for management and configuration of remote agents, comprising:
> providing at least one web service;
> providing an agent metadata service on each of a plurality of remote agents, each agent metadata service operable to retrieve agent metadata residing on the remote agent based on one or more detection parameters;
> receiving, by the at least one web service, the agent metadata from the plurality of remote agents; and
> detecting, by the at least one web service, at least one remote agent on a network based on the agent metadata; and
> performing at least one of managing and configuring the at least one remote agent based on the at least one web service.

Whether considered alone or in combination with any other cited references, *Keller* does not disclose, either expressly or inherently, each and every element of the claims.[1]

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention <u>must</u> be shown in as complete detail as is contained in the . . . claims" and "[t]he elements <u>must</u> be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

For example, *Keller* fails to teach or suggest "providing an agent metadata service on each of a plurality of remote agents, each agent metadata service operable to retrieve agent metadata residing on the remote agent based on one or more detection parameters," as recited in amended Claim 1. Rather, *Keller* discloses a resource dependency repository 225 that "contains the inventory of the hardware and software components of every managed resource 220 and the dependency information on a per-resource basis." (Column 14, lines 56-59). However, *Keller* does not disclose how the repository 225 is populated. Although *Keller* discloses that "[t]he resource dependency repository 225 can be queried, updated and modified through a repository agent 230," the purpose of the repository agent 230 is to "make[] the information of the resource dependency repository 225 available to other components of the system." (Column 14, lines 63-67). Thus, repository agent 230 merely makes the information in the repository available to other system components. There is no disclosure in *Keller* that repository agent 230 or another agent is provided "on each of a plurality of remote agents," as recited in Claim 1. Further, there is no disclosure in *Keller* that the repository agent 230 is "operable to retrieve agent metadata residing on the remote agent based on one or more detection parameters," as recited in Claim 1.

Applicants further note that the portions of *Keller* cited by the Examiner in the *Office Action* relate to the generation of a topology from the information in the resource dependency repository 225. Specifically, *Keller* discloses that a "dependency service 245, triggered by queries of the administrator 100 through either the topology generator 265, a management system or any management application located in the application layer 20 . . . processes [the requests] and sends the results back to the topology generator 265, which, in turn, processes the results and forwards the results to be displayed at the graphical user interface of the administrator 100 in the structural plane." (Column 21, lines 17-31). There is no disclosure in the cited portions of *Keller* of "providing an agent metadata service on each of a plurality of remote agents, each agent metadata service operable to retrieve agent metadata residing on the remote agent based on one or more detection parameters," as recited in amended Claim 1.

For at least these reasons, Applicant requests reconsideration and allowance of independent Claim 1. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 5 and 9.

Dependent Claims 2-4, 6-8, and 10-12 depend on Claims 1, 5, and 9, respectively. Dependent Claims 13, 14, and 15 also depend on Claims 1, 5, and 9, respectively. Accordingly, dependent Claims 2-4, 6-8, and 10-15 are not anticipated by *Keller* at least because Claims 2-4, 6-8, and 10-15 include the limitations of their respective independent claims, which Applicants have shown above to be allowable.

Additionally, dependent Claims 2-4, 6-8, and 10-15 recite claim elements that further distinguish the art. For example, Claim 13 is also allowable at least because *Keller* fails to teach or suggest "receiving at least one unsolicited alert notification from the at least one remote agent, the at least one alert notification comprising an indication of a change to the at least one remote agent." The *Office Action* cites Column 10, line 65 - Column 12, line 30 of *Keller* in rejecting this limitation. However, the cited portion merely describes that "in order to determine whether a service is functioning properly, problem determination procedures may be used." (Column 11, lines 36-39). Thus, to the extent that *Keller* discloses that "[s]tatus indicators are specific management variable of an application that reflect the current status of an application implementing a service" (Column 12, lines 4-6), the status indicators are a result of queries performed during the performance of problem determination procedures. Accordingly, *Keller* does not disclose, teach, or suggest "receiving at least one unsolicited alert notification from the at least one remote agent, the at least one alert notification comprising an indication of a change to the at least one remote agent," as recited in Claim 13. Claims 14 and 15 are allowable for analogous reasons.

For at least these reasons, Applicants request reconsideration and allowance of dependent Claims 2-4, 6-8, and 10-15.

No Waiver

Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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